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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,645	01/04/2002	David Lin	FPLP000/USA	1099

7590

08/28/2003

Winston Hsu  
5F, No. 389, Fu-Ho Rd.,  
234 YungHo City,  
Taipei Hsien,  
TAIWAN

EXAMINER

ZIRKER, DANIEL R

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- ☒ Responsive to communication(s) filed on 6/30/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

### Applicable Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☒ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachments

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The Examiner notes applicant's submission of an Abstract which is set forth on page 5 of the response, and has been entered into the application file.

3. Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, despite the recent claim amendments, quite a few problems still remain. The Examiner will point out the great majority of them, but others may still exist and applicant is urged to carefully review the claims. In claim 1, page line 6 "being" is believed more suitably --having been-- and the means plus function language should be set forth with the means statement before the function, rather than the opposite as now exists. In claim 1, page line 9 "cohere" is believed stated more properly in the past tense, and the Examiner suggests either "laminated together" or "adhered together". Also, the newly amended section in page lines 10 and 11 of claim 1 regarding the "softer" properties is, although not new matter, more desirably stated as was initially set forth regarding improving the flexibility of the insulation tape, with just the "being used" deleted, as the Examiner had earlier suggested. In claims 2, 4, 7, 10 and 16, the Markush language,

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i.e. "selected from a group consisting of" should be --selected from the group consisting of--. Additionally, in claim 2 the Examiner finds applicant's Markush group which consists of a genus (unhalogenated polymer materials) followed by four species of that genus to be confusing. In claims 4 and 10, the recitation of surlyn as a trademark is not necessary, since it is believed that surlyn is <sup>now</sup> generic to that particular composition. In claim 5, page line 34 the recitation of "a step of forming" in an article claim is extremely confusing, as is the case in claim 6, which in its present form is delete with process and article language which are vague, indefinite and confusing in its present form. In claim 7 applicant is unfamiliar with two of the Markush members, i.e. "flame burning technique" and "primer", the latter of which is a well known adhesive composition or layer, but is not a process. In claim 12, the phrase "milled using the pressing and rolling process" is not understood by the Examiner, particularly the word "milled". In claim 13, the newly added phrase "situated on" is believed more desirable stated as --laminated to-- or --adhered to--. In claim 14, the same language that applicant chooses to treat the laminated relationship in claim 13 should be utilized rather than the vague and indefinite "in contact with". In claim 15, although perhaps a 112 first paragraph rejection, the "electrically conductive layer" lacks any sort of location in the laminated article.

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4. With respect to applicant's request for instructions regarding the presence of the two U.S. patent application Serial Nos. 09/756,737 and 09/779,490 in the application file the Examiner requests that applicant expunge the two applications from the file. The PTO will contact PCT about acquiring the necessary PCT papers in the application file, as the Examiner earlier mentioned in paragraph No. 6 of the prior Office action.

5. Claims 1-18 are again not rejected on the basis of adverse prior art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE

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STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

August 25, 2003

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1900

1700

*Daniel Zirker*